

E-filing

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

RAYMOND P. MARIOLLE and REGINA
MARIOLLE,

Plaintiffs,

vs.

VOLVO TRUCKS NORTH AMERICA,
INC.; CONSOLIDATED METCO, INC.; and
WITTKE WASTE EQUIPMENT,

Defendants.

CASE NO. 3:09-cv-1209 MMC
CASE NO. 3:09-cv-4250 MMC

SPECIAL VERDICT FORM

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SPECIAL VERDICT FORM

You are to answer the following questions in order. All jurors must agree on the answer given to each question.

We, the jury, in the above-entitled action, answer the following questions submitted to us:

1. Do you find that any of the following products, as sold or distributed by the respective defendants, contained a design defect?

Hub, as sold by ConMet: ☒ Yes ☐ No

Cab/Chassis, as sold by Volvo: ☒ Yes ☐ No

Garbage truck, as distributed by Wittke: ☒ Yes ☐ No

If you answered "No" as to all defendants, please proceed to Question 3. If you answered "Yes" as to any defendant(s), please answer Question 2 as to such defendant(s).

2. For each product as to which you answered "Yes" to the previous question, was the design defect a substantial factor in causing Raymond Mariolle's injuries?

Hub, as sold by ConMet: ☒ Yes ☐ No

Cab/Chassis, as sold by Volvo: ☒ Yes ☐ No

Garbage truck, as distributed by Wittke: ☒ Yes ☐ No

Please answer Question 3.

3. Do you find that Wittke breached an express warranty related to the product that it distributed?

☒ Yes ☐ No

If you answered "Yes" to Question 3, please answer Question 4. If you answered "No" to Question 3, please proceed to Question 5.

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1 4. Was the breach of express warranty a substantial factor in causing Raymond Mariolle's
2 injuries?

3 ☒ Yes ☐ No

4 Please answer Question 5.

5
6 5. Do you find that any of the following defendants breached an implied warranty related to
7 the products that they sold or distributed?

8 ConMet: ☒ Yes ☐ No

9 Volvo: ☒ Yes ☐ No

10 Wittke: ☒ Yes ☐ No

11 If you answered "No" as to all defendants, please proceed to Question 7. If you answered "Yes"
12 as to any defendant(s), please answer Question 6 as to such defendant(s).

13
14 6. For each defendant as to which you answered "Yes" to the previous question, was the
15 breach of implied warranty a substantial factor in causing Raymond Mariolle's injuries?

16 ConMet: ☒ Yes ☐ No

17 Volvo: ☒ Yes ☐ No

18 Wittke: ☒ Yes ☐ No

19 Please answer Question 7.

20
21 7. Do you find that any of the following defendants was negligent?

22 ConMet: ☒ Yes ☐ No

23 Volvo: ☒ Yes ☐ No

24 Wittke: ☒ Yes ☐ No

25 If you answered "Yes" as to any defendant(s), please answer Question 8 as to such defendant(s).

26 If you answered "No" to all defendants, please see the instructions immediately after Question 8.

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8. For each defendant as to which you answered "Yes" to the previous question, was that defendant's negligence a substantial factor in causing Raymond Mariolle's injuries?

ConMet: ☒ Yes ☐ No

Volvo: ☒ Yes ☐ No

Wittke: ☒ Yes ☐ No

If you did not answer "Yes" as to any defendant listed in Question 2, 4, 6, or 8, please sign and date this verdict. If you answered "Yes" as to any defendant listed in Question 2, 4, 6, or 8, please answer Question 9.

9. Do you find that Waste Management (Raymond Mariolle's employer) was negligent?

☒ Yes ☐ No

If you answered "No" to Question 9, please proceed to Question 11. If you answered "Yes" to Question 9, please answer Question 10.

10. Was Waste Management's negligence a substantial factor in causing Raymond Mariolle's injuries?

☒ Yes ☐ No

Please answer Question 11.

11. Do you find that Regina Mariolle has suffered a loss of consortium?

☒ Yes ☐ No

Please answer Question 12.

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12. For each entity as to which you answered "Yes" to Question 2, 4, 6, 8, or 10, please assign a percentage of responsibility for Raymond Mariolle's damages:

ConMet	<u>52</u> %
Volvo	<u>30</u> %
Wittke	<u>12</u> %
Waste Management	<u>6</u> %
TOTAL	<u>100</u> %

Please answer Question 13.

13. What are Raymond Mariolle's damages?

a. Economic loss

Past lost earnings	\$ <u>278,000.</u> ⁰⁰
Future lost earnings	\$ <u>1,545,028.</u> ⁰⁰
Past medical expenses	\$ <u>101,826.</u> ⁰⁰
Future medical expenses	\$ <u>420,000.</u> ⁰⁰
Household services	\$ <u>53,000.</u> ⁰⁰

b. Non-economic loss

\$ 7,500,000.⁰⁰

If you answered "Yes" to Question 11, please answer Question 14. If you answered "No" to Question 11, please sign and date this verdict.

14. What are Regina Mariolle's damages?

\$ 1,500,000

Please sign and date this verdict.

Dated: May 18, 2012

Signed:

Jilli Juel
Foreperson